

REMARKS

The examiner objected that the applicant had not amended the application to claim the priority of the parent. There has been no delay and the claim of priority was made in accordance with 35 USC and the amendment made by the instruction in the 53(b) application at item 7. However, this claim and the amendment was effectuated using the prior procedure under 37 CFR 53(b) filings, which were revised by the revisions to 37 CFR 1.121. Thus, the claim and the amendment were made but not the proper format under the new rule, and applicant should have been advised at the entry stage and required to properly amend. However, apparently this application was overlooked by the PTO because of confusion in the transitional period, although other matters were addressed by PTO at filing time. The examiner's objection is in effect a belated notification to applicant of the improper amendment format. Otherwise, since there has been no objection to the format of the amendment, it has been made as requested in the application.

The amendment has now been made in according to 37 CFR 1.121.

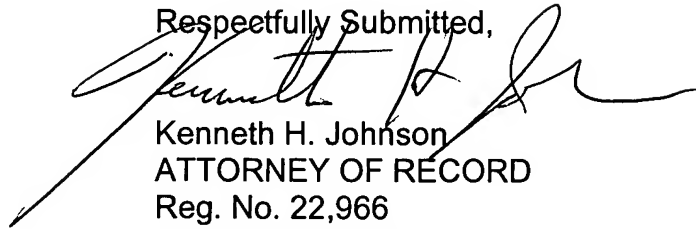
Claims 10, 11, 13 and 14 remain in the application.

Claims 10 and 11 were objected to as depending from a rejected claim, but would be allowable if rewritten as independent claims including all of the base claim and any intervening claims. The present amendment achieves this.

New claims 13 and 14 are process claims for installing segmented underpinning piles for supporting a structure cast in terms of the allowable underpinning pile forming segment of claims 10 and 11, respectively.

Reconsideration and allowance of the amended claims is solicited.

Respectfully Submitted,



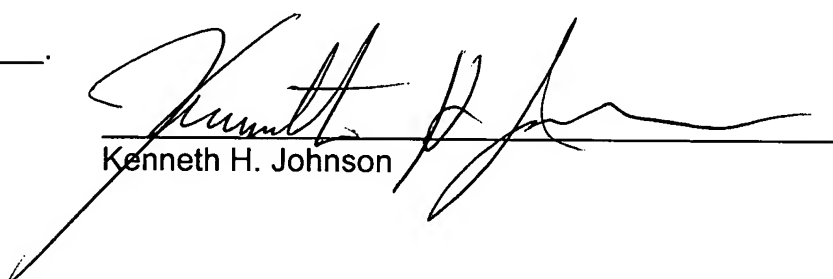
Kenneth H. Johnson
ATTORNEY OF RECORD
Reg. No. 22,966
P.O. Box 630708
Houston, Texas 77263
TEL: (713) 780-7047
FAX: (713) 780 7671

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on 09/20/04.


Kenneth H. Johnson